

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

CHAPTER 13 PLAN COVER SHEET

Filing Date: April 30, 2011
Debtor: Vanessa R Merritt
SS#: xxx-xx-3528
Address: 647 School St
Stoughton, MA 02072

Docket #: _____
Co-Debtor: _____
SS#: _____
Address: _____

Debtor's Counsel: Douglas M. Surprenant
40 S. Franklin St
Address: Holbrook, MA 02343
Telephone #: 781-767-9300
Facsimile #: 781-767-9303

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS' MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THE LATER OF (i) THIRTY (30) DAYS AFTER THE FIRST DATE SET FOR THE SECTION 341 MEETING, OR (ii) THIRTY (30) DAYS AFTER SERVICE OF A MODIFIED PLAN TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

**OFFICIAL FORM 3
PRE-CONFIRMATION CHAPTER 13 PLAN**

CHAPTER 13 PLAN

Docket No.: _____

DEBTORS: (H) Vanessa R Merritt

SS# xxx-xx-3528

(W) _____

SS# _____

I. PLAN PAYMENT AND TERM:

Debtor's shall pay monthly to the Trustee the sum of \$ 353.00 for the term of:

☒ 36 Months. 11 U.S.C. § 1325(b)(4)(A)(i);

☐ 60 Months. 11 U.S.C. § 1325(b)(4)(A)(i);

☐ 60 Months. 11 U.S.C. § 1322(d)(2). Debtor avers the following cause:

☐ _____ Months. The Debtor states as reasons therefore:

II. SECURED CLAIMS

A. Claims to be paid through the plan (including arrears):

Creditor	Description of Claim (pre-petition arrears, purchase money, etc.)	Amount of Claim
<u>Bank of America Home Loans</u>	<u>Pre-petition arrears</u>	\$ <u>1,069.00</u>

Total of secured claims to be paid through the Plan \$ 1,069.00

B. Claims to be paid directly by debtor to creditors (Not through Plan):

Creditor	Description of Claim
<u>Aurora Loan Services</u>	<u>Mortgage 18-20 Rifle St Springfield</u>
<u>Bank of America Home Loans</u>	<u>First Mortgage 647 School St Stoughton</u>
<u>Bank of America Home Loans</u>	<u>First Mortgage 50 Norfolk St Dorchester</u>

C. Modification of Secured Claims:

Creditor	Details of Modification (Additional Details May Be Attached)	Amt. of Claim to Be Paid Through Plan
Aurora Loan Services	18-20 Rifle St Springfield cram down to value	
Bank of America Loan Services x9918	50 Norfolk St Dorchester Second and third mortgages - Will file Motion to determine secured status and avoid lien	
Bank of America Loan Services x8081		See unsecured section

D. Leases:

- i. The Debtor(s) intend(s) to reject the residential/personal property lease claims of **-NONE-**
; or
- ii. The Debtor(s) intend(s) to assume the residential/personal property lease claims of **-NONE-**
.
- iii. The arrears under the lease to be paid under the plan are **0.00**.

III. PRIORITY CLAIMS

A. Domestic Support Obligations:

Creditor	Description of Claim	Amount of Claim
<u>-NONE-</u>		\$ <u> </u>

B. Other:

Creditor	Description of Claim	Amount of Claim
<u>-NONE-</u>		\$ <u> </u>

Total of Priority Claims to Be Paid Through the Plan \$ **0.00**

IV. ADMINISTRATIVE CLAIMS

A. Attorneys fees (to be paid through the plan): \$ **1,300.00**

B. Miscellaneous fees:

Creditor	Description of Claim	Amount of Claim
<u>-NONE-</u>		\$ <u> </u>

C. The Chapter 13 Trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% Trustee's commission.

V. UNSECURED CLAIMS

The general unsecured creditors shall receive a dividend of **3.47** % of their claims.

A. General unsecured claims: \$ **49,086.79**

B. Undersecured claims arising after lien avoidance/cramdown:

Creditor	Description of Claim	Amount of Claim
Aurora Loan Services	18 -20 Rifle St Springfield - cram down to value	\$ 32,411.00
Bank of America Home Loans	Dorchester Second and third mortgages unsecured lien avoidance	\$ 150,732.49

C. Non-Dischargeable Unsecured Claims:

Creditor	Description of claim	Amount of Claim
Great Lakes Higher Ed	student loans	\$ 3,661.00
Sallie Mae	student loans	\$ 3,315.00
Sallie Mae	student loans	\$ 2,911.00
Great Lakes Higher Ed	student loans	\$ 19,572.00
Total Unsecured Claims		\$ 261,689.28

D. Multiply total by percentage: \$ **9,068.20**
(Example: Total of \$38,500.00 x .22 dividend = \$8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

Creditor	Description of claim	Amount of claim
-NONE-		\$ 0.00
Total amount of separately classified claims payable at ____ %		\$ 0.00

VI. OTHER PROVISIONS

A. Liquidation of assets to be used to fund plan:

B. Miscellaneous provisions:

VII. CALCULATION OF PLAN PAYMENT

a) Secured claims (Section II-A&D Total):	\$ 1,069.00
b) Priority claims (Section III-A&B Total):	\$ 0.00
c) Administrative claims (Section IV-A&B Total):	\$ 1,300.00
d) Regular unsecured claims (Section V-D Total):	\$ 9,068.20
e) Separately classified unsecured claims:	\$ 0.00
f) Total of a + b + c + d + e above:	= \$ 11,437.20
g) Divide (f) by .90 for total including Trustee's fee:	\$ 12,708.00
Cost of Plan=	\$ 12,708.00

(This represents the total amount to be paid into the chapter 13 plan)

h. Divide (g), Cost of Plan, by Term of plan,	36 months
i. Round up to nearest dollar for Monthly Plan Payment:	\$ 353.00

(Enter this amount on page 1)

Pursuant to 11 U.S.C. § 1326(a) (1), unless the Court orders otherwise, a debtor shall commence making the payments proposed by a plan within thirty (30) days after the plan is filed.

Pursuant to 11 U.S.C. § 1326(a)(1)(C), the debtor shall make preconfirmation adequate protection payments directly to the secured creditor.

VIII. LIQUIDATION ANALYSIS

A. Real Estate:

Address		Fair Market Value	Total Amount of Recorded Liens (Schedule D)
647 School St Stoughton, MA 02072	\$	292,500.00	\$ 324,946.00
50 Norfolk St, Dorchester, MA 02124	\$	203,925.00	\$ 438,059.49
18-20 Rifle St Springfield, MA 01105	\$	103,950.00	\$ 136,361.00
Total Net Equity for Real Property:	\$	0.00	
Less Exemptions (Schedule C):	\$	0.00	
Available Chapter 7:	\$	0.00	

B. Automobile (Describe year, make and model):

2001 Ford Explorer with 155000 miles	Value \$	2,325.00	Lien \$	0.00	Exemption \$	2,325.00
Total Net Equity:	\$	2,325.00				
Less Total Exemptions (Schedule C):	\$	2,325.00				
Available Chapter 7:	\$	0.00				

C. All other Assets (All remaining items on Schedule B): (Itemize as necessary)

cash	
MSECU	
checking xxx000 \$25.40	
checking xxx041 \$72.95	
Rockland Federal credit union	
checking xxx7555	
Bank of America	
checking xxx7042 \$1259.23	
savings xxx7068 \$57.98	
household goods	
joint \$5000	
clothes	
jewelry	
term life - no cash value	
stocks	
20 shares H&R Block	
Insurance check to repair roof	
Total Net Value:	\$ 9,672.56
Less Total Exemptions (Schedule C):	\$ 9,672.56
Available Chapter 7:	\$ 0.00

D. Summary of Liquidation Analysis (total amount available under Chapter 7):

Net Equity (A and B) plus Other Assets (C) less all claimed exemptions: \$ **0.00**

E. Additional Comments regarding Liquidation Analysis:

IX. SIGNATURES

Pursuant to the Chapter 13 rules, the debtor or his or her counsel is required to serve a copy of the Plan upon the Chapter 13 Trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.

/s/ Douglas M. Surprenant

May 1, 2011

Douglas M. Surprenant

Date

Debtor's Attorney

Attorney's Address: **40 S. Franklin St
Holbrook, MA 02343**

Tel. #: **781-767-9300 Fax:781-767-9303**

Email Address: **dougcanhelp@aol.com**

I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.

Date May 1, 2011

Signature /s/ Vanessa R Merritt

Vanessa R Merritt

Debtor

**United States Bankruptcy Court
District of Massachusetts**

In re **Vanessa R Merritt**

Debtor(s)

Case No.

Chapter

13

CERTIFICATE OF SERVICE

I hereby certify that on **May 1, 2011**, a copy of Chapter 13 Plan was served electronically or by regular United States mail to all interested parties, the Trustee and all creditors listed below.

American Express

American Express

Aurora Loan Services

Bank of America

Bank of America

Bank of America Home Loans

Bank of America Home Loans

Bank of America Home Loans

Bank of America Home Loans

Cohen & associates

Doonan, Graves & Longoria

enhanced recovery services

Exxon Mobil/Citibank Cards

GE Money Bank/GAP

GE/JCPenney

Great Lakes Higher Ed

Great Lakes Higher Ed

Home Depot/Citibank

Macys

MCYDSNB

Midland Credit Management

Peter Roberts & Associates

Professional Acct Management LLC

Sallie Mae

Sallie Mae

Sears Credit Card Services

WFNNB/Ann Taylor

WFNNB/EXPRESS

WFNNB/Victoria's Secret

/s/ Douglas M. Surprenant

Douglas M. Surprenant

Law Office of Doug Surprenant

40 S. Franklin St

Holbrook, MA 02343

781-767-9300 Fax: 781-767-9303

dougcanhelp@aol.com